

HEADQUARTERS
UNITED STATES EUROPEAN COMMAND
APO 09128-4209

ED 55-2

DIRECTIVE
NUMBER 55-2

16-AUG-95

OPERATIONS

Procedures for Handling Requests for Political
Asylum and Temporary Refuge

1. **Purpose.** To establish uniform policies and procedures for handling requests by foreign nationals for political asylum or temporary refuge at Department of Defense elements located in the USCINCEUR geographical area of responsibility.

2. **Applicability.** This directive is applicable to all DOD agencies located in the USEUCOM geographical area and under USCINCEUR direction, except DOD elements which operate as integral parts of and are subject to the policies of diplomatic missions. In such case, DOD elements will comply with specific diplomatic mission direction.

3. **Internal Control Systems.** This Directive does not contain internal control provisions but is subject to the requirements of the internal management control program. For HQ USEUCOM and subordinate joint activities, the applicable internal control directive is ED 50-8, Internal Management Control Program.

4. **Suggested Improvements.** The proponent for this Directive is ECLA. Recommended changes/comments or corrections should be addressed to HQ USEUCOM, ATTN: ECLA, Unit 30400, Box 1000, APO AE 09128.

5. **References.**

a. DOD Directive 2000.11,
subject: Procedures for Handling

Requests for Political Asylum and Temporary Refuge.

b. USEUCOM Directive 40-13,
Subject: the Defector Program (U)
(SECRET).

6. **Policy.**

a. Political Asylum.

(1) Foreign nationals within the territorial jurisdiction of the United States or upon the high seas who request that they be granted political asylum in the United States will be given a full opportunity to have their requests considered on their merits.

(2) Political asylum will not be granted at United States units, installations, facilities, or on board any military aircraft or vessel within the territorial jurisdiction of a foreign country or in foreign territorial waters. This policy applies to nationals of the host country and to nationals of any third country.

b. Temporary refuge.
Immediate temporary refuge for humanitarian reasons may be granted at U.S. installations in a foreign jurisdiction (except aboard aircraft because of their vulnerability to hijacking) in extreme or exceptional circumstances wherein the life or safety of a person is put in danger such as pursuit by a mob.

This Directive supersedes ED 55-2, 23 July 1985.

c. Protection. Persons seeking political asylum on board a U.S. military vessel on the high seas and persons to whom temporary refuge is granted should be afforded every reasonable care and protection permitted by the circumstances. No greater force will be used than necessary to protect the individual from forcible repatriation; however, the senior official shall not allow his installation, facility, vessel, or personnel to be endangered in protecting the individual against overpowering local authorities.

d. Surrender and release. A person requesting asylum or refuge will be surrendered to a foreign jurisdiction only at the personal direction of the Secretary of the Military Department, or the Director of the Defense Agency concerned, and with concurrence of USCINCEUR. Any request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported in accordance with paragraph 5b, stating all the attendant circumstances of, and the authority asserted for, the request. The requesting foreign authorities will be informed that the case has been referred to higher authorities for instruction. A final decision will normally be made on a priority basis within 24 hours. Persons whose asylum or refuge is terminated will be released only to the authorities designated by the U.S. authority directing such termination.

7. Definitions.

a. Political asylum. Protection and sanctuary granted by the United States Government within its territorial jurisdiction or on the high seas to a foreign national who applies for such protection because of persecution or fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

b. Temporary refuge. Protection afforded for humanitarian reasons to a foreign national in a Department of Defense shore installation, or military vessel within the territorial jurisdiction of a foreign nation or on the high seas, under conditions of urgency in order to secure the life or safety of that person against imminent danger, such as pursuit by a mob.

8. Procedures. Commanders of units to which this directive applies will handle requests for political asylum or temporary refuge and render reports as follows:

a. Requests for Asylum or Refuge.

(1) On the High Seas. An individual requesting political asylum or temporary refuge will be received on board a military vessel located in the USEUCOM area. Inquiries from interested foreign authorities will be met by the senior official present with the response that the case has been referred to higher authorities for instruction.

(2) In Territories under Foreign Jurisdiction, including Foreign Territorial Seas.

(a) Political Asylum.

1. Political asylum may not be granted in a DOD installation or facility, or on board any DOD aircraft or vessel, within the territorial jurisdiction of a foreign country. However, requests for asylum which also meet the definition of a request for temporary refuge will be treated as a request for temporary refuge.

2. Foreign nationals who seek assistance in forwarding requests for asylum in the United States will be advised to apply in person at the nearest American Embassy or Consulate.

3. Request for asylum received by Defense Attaché personnel or other military personnel serving under the direction of the chief of a diplomatic mission will be governed by the appropriate instructions applicable to the mission.

4. Chiefs of USEUCOM Security Assistance Organizations (SAO), will adhere to policies and procedures established by the chiefs of diplomatic missions in dealing with political asylum requests received in countries where assigned.

(b) Temporary Refuge. The senior official present at the DOD installation or facility, or on board a military vessel, may grant temporary refuge in cases qualifying under the definition in paragraph 4b above.

b. Reports (RCS DD-ISA (AR) 1161).

(1) Each request for political asylum or temporary refuge as well as information that such a request is imminent will be reported through appropriate channels by the fastest available means to the appropriate official or element of component command concerned. HQ USEUCOM European Theater Command Center (ETCC) and the ETCC Command Director will be notified immediately of the situation. This report will be made whether or not political asylum or temporary refuge is granted. Message reports will be dispatched with IMMEDIATE precedence to the following:

(a) USCINCEUR VAIHINGEN
GE//ETCC/ECJ33/ECPLAD//

(b) Military Department
concerned

(c) As appropriate, the
Assistant Secretary of Defense
(International Security Affairs)

(d) National Military Command
Center

(e) The appropriate American
Embassy

If the original report is dispatched by other than electrical message, the report will be confirmed by IMMEDIATE precedence message as soon as possible to addressees listed above.

(2) The information specified in Appendix I will be forwarded as soon as available by IMMEDIATE precedence message.

9. News Release. No information concerning a request for political asylum or temporary refuge will be released to the public or to the news media without prior approval of the Assistant Secretary of Defense (Public Affairs). Immediately upon making an approved public news release or acknowledgment to representatives of the media, the DOD element concerned will report the contents of such release to USCINCEUR PAO, the Military Department or Defense Agency concerned, the appropriate American Embassy, and to the Operations Center of the Department of State.

FOR THE COMMANDER IN CHIEF:

OFFICIAL:

RICHARD F. KELLER
Lieutenant General, USA
Chief of Staff

SUSAN M. MEYER
LTC, USA
Adjutant General

1 Appendix

I Reporting Data Concerning Requests
for Political Asylum or Temporary
Refuge (RSC: DD-ISA (AR) 1161)

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REPORTING DATA CONCERNING REQUESTS FOR POLITICAL ASYLUM OR
TEMPORARY REFUGE (RCS: DD-ISA (AR) 1161)

Relay as available. Report of initial request will not be delayed pending complete development of data.

- a. Name and nationality of the individual seeking asylum or temporary refuge.
- b. Date, place of birth, and occupation.
- c. Description of any documentation in his/her possession.
- d. What foreign authorities are aware of his seeking asylum or temporary refuge; whether any foreign authorities will be notified of the request.
- e. Circumstances surrounding the request for asylum or refuge.
- f. Exact location. If aboard vessel or aircraft, ETA at next intended port or airport.
- g. Reason for claiming asylum or temporary refuge.
- h. Description of any criminal charges known or alleged to be pending against the asylum seeker. Indicate also if any piracy at sea, air piracy or hijacking background.
- i. Any Communist Party affiliation or affiliation with other political party; any government office now held or previously occupied.
- j. If applicable, whether a field office of the U.S. Immigration and Naturalization Service (INS) has been notified and if arrangements have been made to transfer case to INS.
- k. Other pertinent information.

Appendix I